

**REMARKS**

**I. Status of the Claims**

Applicants respectfully request that claims 1-14 be canceled without prejudice or disclaimer. Please add new claims 15-19.

**II. Drawings**

The Examiner requests that Applicants label Figure 1 as prior art (*see* Office Action, on page 2).

Applicants respectfully traverse.

Fig. 1 is an illustration of “a simplified process flow diagram of a process that does not employ the present invention” (*see* Specification, on page 3, at lines 12-13). Fig. 1 is also disclosed to be “A typical chemical manufacturing process that would benefit greatly from the present invention” (*see* Specification, on page 7, at lines 20-21). Applicants respectfully assert that Fig. 1 is not “prior art” according to the conditions for patentability, novelty and loss of rights set forth under 35 U.S.C. § 102, or as interpreted under 35 U.S.C. § 103 (*see* MPEP chapters 900 and 2100).

Applicants respectfully assert that Fig. 1 arises from Inventors’ knowledge gained through their employment by Assignee. Thus, for example, Fig. 1 was “not known or used by others” (*see* 35 U.S.C. § 102(a)), nor was it “patented or described in a printed publication” (*see* 35 U.S.C. §§ 102(a) and (b)), nor does any condition under 35 U.S.C. § 103 qualify Fig. 1 as prior art.

Applicants further assert that Fig. 1 is exemplary and is a creative illustration of “a simplified process flow diagram” or “A typical chemical manufacturing process” which “would” (in

Applicants' opinion) benefit from the practice of their invention. Applicants knowledge which resulted in the creation of Fig. 1 was obtained from and through their employment by the Assignee and their work in Assignee's confidential manufacturing processes and proprietary technologies. Applicants are subject to obligations of confidentiality.

In view of the above, Fig. 1 does not constitute "prior art". Applicants respectfully request that this objection be withdrawn.

### **III. Rejections under 35 U.S.C. §102 and §103**

Applicants thank the examiner for the courtesy extended to the undersigned representative during a telephone conversation which occurred on January 17, 2003.

Applicants herein cancel claims 1-14. Thus, the instant rejections are moot. Applicants respectfully request that claims 1-14 be canceled without prejudice or disclaimer.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and the allowance of this application.

Serial No.: 09/847,127

Docket No.: A01043 (3247-7012)

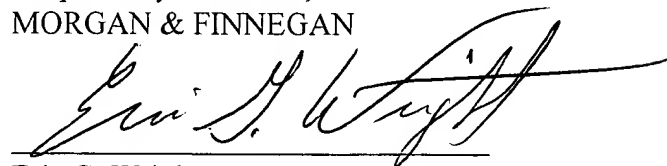
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 3247-7012.

Respectfully submitted,  
MORGAN & FINNEGAN

Dated: January 30, 2003

By:



Eric G. Wright  
Registration No. 48,045  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

Mailing Address:  
MORGAN & FINNEGAN  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Facsimile

**Serial No.: 09/847,127**

**Docket No.: A01043 (3247-7012)**

**APPENDIX I**

**VERSION SHOWING CHANGES MADE**

In this appendix, all additions are shown underlined (e.g., the), and deletions are shown by strikethrough (e.g., ~~the~~).

**IN THE CLAIMS**

**Please cancel claims 1-14 without prejudice or disclaimer.**

**Please add new claims 15-19.**